

REMARKS

The Examiner is thanked for the allowance of claim 27 and for indicating that claims 8, 17-18, 22-24, 58-59, 65, 72, 80-81, 85-87, 90, 95-96, and 102 contain allowable subject matter.

I. INTERVIEW SUMMARY

A Telephone Interview was held on July 12, 2005 between Examiner Mr. Shane Thomas and Applicants' representatives Brian D. Hickman and Stoycho D. Draganoff. Claim 2 and Ganesh et al., U.S. Patent No. 6,295,610 ("GANESH") were discussed during the interview.

Specifically, the meaning of the term "segment" was discussed in regards to the use of the term in Claim 2 and in GANESH. The general outcome of the Telephone Interview is that an agreement was reached with regards to this term. The Examiner agreed that if in Claim 2 the term "segment" is defined as a partition of storage space that is pre-allocated for storing undo information, Claim 2 would overcome GANESH.

On the same day, July 12, 2005, the Applicants' representative Stoycho D. Draganoff faxed the Examiner proposed amendments to independent Claims 2, 4, and 54. On July 14, 2005, the Applicants' representative Stoycho D. Draganoff telephoned the Examiner to inquire whether the proposed amendments were acceptable, and the Examiner agreed to the proposed amendments to Claims 2, 4, and 54.

II. STATUS OF CLAIMS

Claim 27 stands allowed.

Claims 8, 17-18, 20-24, 58, 72, 80-81, 83-87, and 95 are indicated as containing allowable subject matter and would be allowable if re-written in independent form including all of the limitations of the base independent claim and any intervening claims.

By this amendment, claims 2, 4, 10, 11, 14, 15, 26, 54, and 66-102 are amended. Claims 2, 4, and 54 are revised with the amendments approved by the Examiner Mr. Thomas. Claims 10, 11, 14, 15, and 26 are amended to provide for proper antecedent basis. Claims 66-102 are amended in response to an objection raised in the Office Action. No claims are added or canceled. Hence, claims 2-8, 10-27, and 54-102 are pending.

III. SUMMARY OF THE OBJECTIONS/REJECTIONS

Claims 66-102 have been objected to because of an informality.

Claims 2, 4-7, 10-16, 25-26, 54-57, 59-66, 68-71, 73-79, 88-89, 91-94, and 96-102 have been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by GANESH.

Claims 3 and 67 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over GANESH in view of Wahl et al., U.S. Patent No. 6,324,654 (“WAHL”).

Claims 3, 19, 67, and 82 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over GANESH.

IV. RESPONSE TO THE OBJECTIONS

Claims 66-102 have been objected to on the grounds that they allegedly cover non-statutory subject matter. The Office Action indicates that these objections would be overcome by the addition of the word “tangible” in front of “computer-readable medium”. Claims 66-102 have been thus revised. Therefore, it is respectfully submitted that the objections to Claims 66-102 have been overcome.

The Applicants have revised Claims 66-102 to include “tangible” in front of “computer-readable medium” for the sole purpose of furthering the prosecution of the present application. By amending Claims 66-102, however, the Applicants do not surrender any subject matter since the Applicants do not admit and do not agree that carrier waves, acoustic/light waves, radio waves and infrared waves constitute non-“tangible” subject matter.

It is respectfully submitted that the addition of the word “tangible” does not necessarily limit Claims 66-102 as the Office Action believes it would. The addition of the word “tangible” certainly does exclude anything that is non-tangible. However, by virtue of the fact that each of Claims 66-102 recites a medium that is readable by a computer, the medium would already have to be something tangible in order to be detected by a device such as a computer. Medium that is non-tangible is not capable of being detected. The examples given in the Office Action are in fact examples of medium that is sufficiently tangible to be detected and read by a computer, such as, for example, carrier waves, acoustic/light waves, radio waves, and infrared waves. Thus, it is respectfully submitted that all subject matter covered by Claims 66-102 is in fact patentable subject matter.

V. RESPONSE TO THE REJECTIONS

A. INDEPENDENT CLAIMS 2, 4, and 54

Claims 2, 4, and 54 have been revised with the amendments approved by the Examiner Mr. Thomas in accordance with the agreement reached during the Telephone Interview.

For this reason, it is respectfully submitted that the rejections of Claims 2, 4, and 54 under 35 U.S.C. §102(e) over GANESH have been overcome. Reconsideration and withdrawal of the rejections of Claims 2, 4, and 54 are respectfully requested.

B. DEPENDENT CLAIMS 3, 5-8, 10-26, AND 55-89 and 91-102

Each of Claims 3, 5-8, 10-26, 55-89, and 91-102 is dependent from one of independent Claims 2, 4, and 54, and thus includes each and every feature of the corresponding independent claim. Furthermore, in rejecting Claims 3, 19, 67, and 82 the Office Action relies explicitly on GANESH, and not on WAHL, to support prior disclosure of the features that were discussed during the Telephone Interview. Since GANESH does not disclose these features, any combination of GANESH with WAHL necessarily fails to disclose each and every feature of Claims 3, 5-8, 10-26, 55-89, and 91-102.

Thus, each of Claims 3, 5-8, 10-26, 55-89, and 91-102 is allowable for the reasons discussed above with respect to Claims 2, 4, and 54. In addition, each of Claims 3, 5-8, 10-26, 55-89, and 91-102 introduces one or more additional features that independently render it patentable. For example, the Office Action has indicated that Claims 8, 17-18, 20-24, 58, 72, 80-81, 83-87, and 95 include features that render these claims allowable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those features is not included at this time. Therefore, it is respectfully submitted that Claims 3, 5-8, 10-26, 55-89, and 91-102 are allowable for the reasons given above with respect to Claims 2, 4, and 54.

C. DEPENDENT CLAIM 90

The Office Action has not indicated whether Claim 90 is allowable, and has not rejected the claim either. Claim 90, however, depends on allowed Claim 27 and includes

each and every feature of Claim 27. For this reason, it is respectfully submitted that Claim 90 is patentable, and allowance of the claim is respectfully solicited.

VI. CONCLUSION

The Applicants believe that all issues raised in the Office Action have been addressed. Further, for the reasons set forth above, the Applicants respectfully submit that allowance of all pending claims is appropriate. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

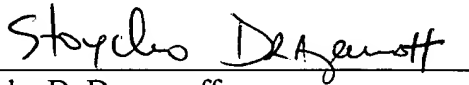
The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a law firms check for the petition for extension of time fee is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

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